

Ministry of
Intergovernmental Relations

Annual Report

April 1, 1982 to March 31, 1983



Honourable Garde B. Gardom
Minister of
Intergovernmental Relations

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December 9, 1983

The Honourable Robert Gordon Rogers
Lieutenant-Governor of British Columbia

MAY IT PLEASE YOUR HONOUR:

Herewith I respectfully submit the Annual Report of the Ministry of Intergovernmental Relations for the fiscal year ended March 31, 1983.

Yours truly,

A handwritten signature in dark ink, featuring a large, stylized 'G' that loops around and under the rest of the signature.

Garde B. Gardom, Q.C.
Minister.

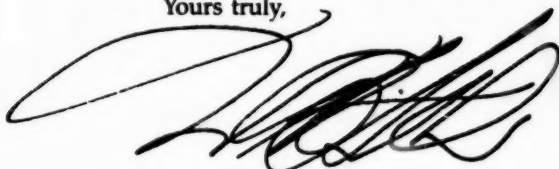
December 8, 1983

The Honourable Garde B. Gardom, Q.C.
Minister of Intergovernmental Relations
Parliament Buildings
Victoria, B.C.

Sir:

I have the honour to submit the Annual Report of the Ministry of Intergovernmental Relations for the fiscal year ended March 31, 1983.

Yours truly,

A handwritten signature in black ink, appearing to be 'M. H. Smith', written over a horizontal line.

MELVIN H. SMITH
Deputy Minister
(Constitutional Affairs)

Constitutional Affairs and Special Projects Division

The Ministry of Intergovernmental Relations was given the responsibility in 1979 "to co-ordinate and develop British Columbia's policy on proposals to reform federalism". The *Ministry of Intergovernmental Relations Act* charges the ministry with the responsibility "to make recommendations to and to develop programs and policies for the Executive Council in relation to federal-provincial, interprovincial and extra-provincial affairs". With regard to the reform of Canadian federalism and changes to the Constitution of Canada these duties devolve to the Constitutional Affairs and Special Projects Division of the ministry.

The division monitors all federal-provincial developments affecting constitutional and jurisdictional issues within Canadian federalism. It communicates with other provincial ministries and with other governments about these issues, and advises, briefs, and represents the provincial government in constitutional and jurisdictional discussions. It plays an active role in developing policy on many of these issues.

The distinction between the work of the Attorney General's Ministry in the area of constitutional law and that of the division is readily apparent. The Ministry of the Attorney General is concerned with day-to-day constitutional litigation and legal opinion. In contrast, the Constitutional Affairs Division of the Ministry of Intergovernmental Relations is concerned with constitutional reform and broad policy issues that transcend the legal aspects. This division of function and expertise has over the years proven to be workable and practical.

In the period covered by this report, the division's activities can be usefully categorized under the terms Aboriginal Constitutional Reform and Non-Aboriginal Constitutional Reform. A section on special projects follows.

Aboriginal Constitutional Reform

The beginning of constitutional talks with representatives of the aboriginal peoples was the most significant development in this field in 1982-83.

Section 37 of the *Constitution Act, 1982* required that a First Ministers' Constitutional Conference be held within one year of April 17, 1982 with the participation of representatives of the aboriginal people and of the two territorial governments, and that the agenda should include constitutional matters directly affecting the aboriginal people and the definition of their rights in the Constitution.

The conference stipulated by Section 37 was preceded by a series of preparatory meetings between August 1982 and February 1983 in Halifax, Winnipeg, Montreal, and Ottawa. In British Columbia, preparatory work was exhaustively carried out, resulting in overview and briefing papers on 19 separate issues, among them a Charter of Rights for the aboriginal people, rights of aboriginal women, guaranteed representation in Parliament and the provincial legislatures, mobility rights, hunting, fishing, trapping and gathering rights, self-government, treaty rights, and enforcement and protection of aboriginal rights.

In fulfilment of the pledge in Section 37, the First Ministers' Conference on Aboriginal Issues was held in Ottawa on March 15-16, 1983. Five issues were discussed in detail: the concept of aboriginal consent to constitutional amendments directly affecting the aboriginal peoples, an on-going process for further conferences, the rights of aboriginal women, aboriginal title, and self-government of the aboriginal peoples.

A draft accord was reached signifying a commitment to entrench constitutional amendments regarding the first three of these issues. The federal and provincial governments, except Quebec, which did not sign the accord, agreed to place appropriate resolutions before their legislative bodies to authorize these constitutional amendments.

The accord committed British Columbia and the other governments, except Quebec, to a further conference on remaining aboriginal issues within the next year and to two further such conferences by 1987. (The British Columbia Legislature unanimously passed the resolution supporting the accord after the period covered by this annual report).

Non-Aboriginal Constitutional Reform

Since 1976, British Columbia has placed a high priority on reform of the central institutions of Canadian federalism and the national decision-making process. The province's aspirations, spelled out in careful detail, have not been met by the constitutional activity of the last few years.

British Columbia initiated the non-aboriginal constitutional discussions of the last year through a telex dated August 4, 1982 from the Honourable Garde Gardom to the Honourable Jean Chretien, then federal Minister of Justice. Mr. Gardom noted that in the summer of 1980 "much progress was made and general accord was reached" on a range of constitutional items "which did not come to fruition".

The British Columbia Minister of Intergovernmental Relations went on to urge further federal-provincial consideration of the following issues: developing a consultative process for appointments to the Supreme Court of Canada; bringing all aspects of family law within the jurisdiction of provincial judges; establishing provincial control over inland fisheries, and over cablevision and closed-circuit television; a start towards reform of the Upper House; removal of an anomaly concerning the status of a provincial administrator in the event of the death of a Lieutenant-Governor; and the question of constitutionally enshrined property rights.

On the last-named issue, British Columbia became the first government in Canada to use the new constitutional amendment process in a move to include property rights in the Charter of Rights and Freedoms. On September 21, 1982 the

province's legislature unanimously passed a resolution to amend the Constitution to give every Canadian the right "to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except in accordance with the principles of fundamental justice". The minister urged other governments to pass similar resolutions.

Special Projects

Offshore Resources. The Ministry's Deputy Minister (Constitutional Affairs) headed an interministerial team on offshore resources in 1982-83. The province's case on the question of ownership of the sea-bed between Vancouver Island and the British Columbia mainland, put before the Supreme Court of Canada, with the assistance of the director of Constitutional Affairs and Special Projects, has not yet been decided.

A federal-provincial agreement was signed for a joint environmental review of the effects of offshore oil and gas exploration on the province's northwest coast.

Canada — U.S. West Coast Salmon Agreement. The ministry played an important role in lengthy negotiations between Canadian and American officials in February 1983 governing management of the west coast salmon fishery.

Westcoast Maritime Boundaries. Canada's proclamation of the 200-mile offshore limit requires settlement between Canada and the United States of boundaries between the two countries on the Pacific coast, off the Strait of Juan de Fuca, and off the Alaska panhandle. British Columbia assisted the Canadian case with an extensive submission. Discussions broke off and British Columbia now awaits final settlement of a parallel issue on the Atlantic coast, where tentative agreement was reached on fisheries resources and the boundary issue has been sent to third-party arbitration.

Law of the Sea. The Law of the Sea convention has been signed by many nations, including Canada, but not the United States, which unilaterally proclaimed a 200-mile exclusive economic zone off its coasts. British Columbia continues to monitor the issue and is pressing for an agreement that would recognize and safeguard its economic interests.

Federal-Provincial Relations Division

The federal-provincial division has three related areas of activity within the ministry: International Affairs, Federal-Provincial Relations, and the co-ordination of visits and conferences. It also has a Support Services Branch.

International Relations

In 1982-83 the ministry continued to develop its role as a main point of contact between the provincial government and the federal Department of External Affairs. It acts as the conduit for distribution of information between External Affairs and the province's line ministries. It forwards to External Affairs lists of agreements concluded between British Columbia and foreign governments.

The ministry co-ordinates the management of transboundary environmental issues. Among them in 1982-83 was the important and long-standing issue with Seattle City Light concerning the proposed flooding of the Skagit River Valley for hydroelectric power generation. A tentative settlement of the matter was initialled by British Columbia and Seattle officials in February 1982.

Another major issue, the Stikine question, had important input from the ministry. It provided a British Columbia co-chairman for the British Columbia - Alaska Information Exchange Committee established on May 3, 1982 in connection with proposed hydroelectric projects on the Stikine and Iskut Rivers. The ministry subsequently led the British Columbia delegations to the first two meetings of this committee (July 6, 1982 in Vancouver and November 17, 1982 in Juneau).

The ministry also contributed toward or led British Columbia's response regarding many other international issues, notably the United States softwood lumber countervailing duties question. Others included the transborder trucking issue with the United States, matters concerning the proposed Sage Creek coal project, the question of

maintaining transportation access through the Alaska panhandle, the setting of west coast maritime boundaries, and the testing of the Cruise missile.

Other projects requiring negotiation with foreign governments were the talks on a Canadian-American west coast salmon interception program, a reciprocal social security agreement between British Columbia and Greece (October 1982), and the conclusion of a reciprocal fire protection agreement with Washington State.

The ministry also co-ordinates the provincial response to federal requests for comment on existing or proposed international agreements such as the Organization for Economic Co-operation and Development guidelines on the transborder flow of personal data.

The ministry was active in regional international relations. It oversaw preparations for the annual Alaska - British Columbia - Yukon heads of government meeting held on May 3, 1982 in Juneau, and hosted a meeting on March 7, 1983 in Victoria to discuss the next trilateral heads-of-government meeting (scheduled for Vancouver in September 1983). The ministry co-ordinated the provincial response to an invitation to attend the Western Governors' Conference scheduled for July, 1983. A ministry official held talks in March 1983 with key officials in the California and Oregon state governments.

The ministry supported and acted as liaison with Mr. John Bruk in his study proposing a Canada Asia Pacific Foundation.

Federal-Provincial Relations

Among the broad responsibilities of the ministry in this area are the provision of briefing material and logistic support for major federal-provincial and interprovincial conferences. The ministry undertook these tasks for the 23rd Annual Premiers' Conference in Halifax on August 24-26, 1982, and for the Western Premiers' Conference in Swift Current on February 2, 1983.

Ministry officials represent the province on such bodies as the British Columbia-Alberta Technical Committee on Water Management Issues and the Western Premiers' Task Force on Regional Co-operation; for the latter the ministry co-ordinated submissions of four reports, on professional accreditation and certification, educational telecommunications, public service staff training, and teacher-student exchange co-operation.

The ministry co-ordinates or contributes to the province's position on such federal legislation as the *Canada Health Act*, the *Young Offenders Act*, and amendments to the Crow Rate. In December 1982 it took the lead in preparing a British Columbia position paper, presented to the Standing Senate Committee on Legal and Constitutional Affairs and to the federal Minister of Consumer and Corporate Affairs, on the *Corporate Shareholding Limitation Act* (S-31).

The ministry represents the province's views to federal commissions and studies such as the Parliamentary Committee on Pensions, and contributes to or comments on federal-provincial aspects of memoranda to Cabinet such as those concerned with renegotiation of the province's general development agreement with the federal government and the provincial student aid program. Ministry officials monitor federal-provincial relations in key areas like health, energy, transportation, and fisheries.

Information on such issues are provided to line ministries through B.C. House in Ottawa, which the ministry operates. To keep ministers and senior managers fully informed on federal-provincial relations, the ministry began in 1982-83 a management information system providing a comprehensive listing of federal-provincial issues, updated quarterly.

Visits and Conferences

In 1982-83 the ministry co-ordinated 60 foreign visits to British Columbia, from representatives of Japan, Germany, China, France, Britain, India, Peru, Israel, Australia, the United States, Norway, Mexico, and the Netherlands. The visitors included diplomats, politicians, government officials, journalists and others, and concerned issues such as trade, agriculture, energy, aboriginal rights, and constitutional matters.

The ministry also assisted in the visits of a number of Canadian ambassadors-designate before

they took up their foreign postings, and prepared briefs for the annual Alaska - British Columbia - Yukon heads of government meeting. It also assisted in planning and co-ordinating a number of foreign visits by the province's ministers and officials.

Support Services

The Support Services Branch, established in 1982, carries out a number of duties through its small staff: finance and personnel administration services, operation of the Cabinet Committee documentation system, and provision of operations and information systems for the ministry.

The finance staff prepares annual estimates and financial reports and monitors expenditures. The personnel staff administers such activities as manpower planning, labour relations, and performance appraisal and training programs. The document processing centre provides support services, especially for the Cabinet Committee system, including document assembly and word processing.

Compensation Stabilization Program

The ministry played a key role in developing the Compensation Stabilization Program. The Deputy Minister led a team of officials drawn mostly from the ministry which drafted the *Compensation Stabilization Act*. This bill establishing the Program passed the House on June 25, 1982. The Guidelines and Regulations pursuant to that legislation were issued on July 22, 1982.

Cabinet Secretariat

The Ministry of Intergovernmental Relations not only is the vehicle for the expression of British Columbia's policy to other governments and for the reception and transmission of information between governments; it also has a unique communications and managerial role within the provincial government. This is its responsibility for providing secretariat services to all standing, statutory and ad hoc committees of Cabinet, exclusive of Treasury Board.

The Cabinet Secretariat's mandate includes review of cabinet submissions and facilitating consultation on the interministerial implications of cabinet submissions. It establishes agendas, briefs committee chairmen on agenda items, and keeps records of committee decisions.

In 1982-83 the Cabinet Secretariat was responsible for twelve committees.

The three standing committees — Economic Development, Social Services, and Environment and Land Use — represent the major substantive policy spheres.

The co-ordinating committees are the Cabinet Committee on Planning and Priorities, which reviews policy decisions made by the standing and special committees; the Cabinet Committee on Employment Development, which stimulates and co-ordinates job creation and manpower policies; and the Cabinet Committee on Legislation, which reviews legislation to see that draft laws comply with government policy.

The special committees are the Cabinet Committee on Coal Development, the Cabinet Committee on Urban Transit, and the Cabinet Committee on the Constitution.

Ancillary to the three standing committees are committees of Deputy Ministers of the ministries concerned. The Cabinet Secretariat provides parallel services to these Deputy Ministers' committees.

In 1982-83 the various cabinet committees met weekly and the Deputy Ministers' committees bi-monthly, for a total of about 260 meetings.

Legislation Committee

Chairman of the Cabinet Committee on Legislation is the Minister of Intergovernmental Relations and Government House Leader, the Honourable Garde B. Gardom, Q.C.

The committee's main functions are to consider all proposals for new legislation or revisions to existing legislation for each annual legislative program, to recommend legislative priorities for each program to Cabinet, and to review all draft legislation to ensure that it conforms with government policy.

In 1982-83 this committee met 22 times and considered 23 draft bills.

Employment Development Committee

This committee, chaired by the Minister of Human Resources, the Honourable Grace McCarthy, was created to stimulate and co-ordinate job creation and manpower policies in the province. It carries out this task with the aid of an employment development fund. In 1982-83 the committee met 41 times.

Social Services Committee

Chaired in 1982-83 by the Minister of Health, the Honourable James Nielsen, this committee considers major social policy issues that cut across ministerial mandates. The committee hears presentations on specific issues from groups and organizations with an interest in social policy.

In 1982-83 the committee met 41 times.

Environment and Land Use Committee

This committee, chaired in 1982-83 by the Minister of Environment, the Honourable Stephen Rogers, is responsible for resolving land use conflicts and integrating land and resource use policy. It examines the impact on the environment of major development projects. The committee also deals with appeals from decisions of the Agricultural Land Commission.

Economic Development Committee

This committee, under the chairmanship of the Minister of Labour, the Honourable Robert McClelland, meets weekly to consider issues of major importance to the economy of the province and to hear presentations on specific issues from groups representing business, labour, the professions, communities, and different levels of government. The committee heard 40 presentations in 1982-83 from groups such as the Canadian Federation of Independent Business and the B.C. Mining Association.

The committee continued to oversee studies exploring the economic potential of the northwest areas of the province and also carried on its initiative of visiting member firms of the Canadian Manufacturers' Association to study their problems at first hand.

Coal Development Committee

This committee, chaired by the Minister of Industry and Small Business Development, the Honourable Don Phillips, oversees the North East Coal Development. It reviews project status reports on emerging or potential socio-economic problems and deals with measures taken by line ministries to lessen or resolve such problems, and considers new measures for effective management.

Among the major issues before the committee in 1982-83 were development of the coal port facilities at Prince Rupert and land use planning and delivery of services at Tumbler Ridge, the new townsite for the North East Coal Development.

B.C. Transit Committee

This committee, whose chairman in 1982-83 was the then Minister of Education, the Honourable William Vander Zalm, is responsible for considering all major policy issues relating to the B.C. Transit Authority and its mandate, as well as the Authority's annual operating and capital budget.

B.C. House, Ottawa

1982-83 proved to be an active year at British Columbia House, Ottawa. Many federal legislative initiatives, including proposed changes to the Crow Rate, Freedom of Information, the *Young Offenders Act*, the *Canadian Intelligence Security Service Act*, and the *Corporate Shareholding Limitation Act*, have sparked considerable federal-provincial controversy.

B.C. House also monitored a number of other federal issues of special interest to the province, such as Senate Reform, the *Canada Health Act*, various *Criminal Code* amendments, and a framework for high technology. The major focus has been to keep the relevant provincial ministries well informed of the issues and also to attempt to anticipate Ottawa's future moves. B.C. House keeps a close eye on political, departmental, and committee activity in the federal government.

Ottawa was the locale for federal-provincial conferences at the ministerial and deputy levels involving justice, tourism, industry and trade, and the Constitution. The First Ministers' Conference on aboriginal constitutional matters and the Premiers' Conference were also held in Ottawa in 1982-83.

Coverage of these meetings by B.C. House staff ranged from active participation, report writing, provision of follow-up services, and media relations, to providing administrative support services on occasions when a substantial British Columbia delegation was present.

B.C. House represented the province on many occasions when, for restraint reasons, it was deemed inappropriate for officials to travel from British Columbia to Ottawa. In such cases, a full report on proceedings was submitted to the appropriate ministry.

B.C. House also played an important role in arranging speaking engagements for ministers at forums such as the National Press Club and the Canadian Club, to explain the province's positions on issues like the restraint program, countervailing duties on Canadian softwood lumber imports by the United States, and high technology. As part of its regular duties, B.C. House provided the Premier, ministers, and other visiting British Columbia officials with support services while they were in Ottawa.

The province's presence in Ottawa continued to generate many inquiries about tourism, relocation, and establishing businesses in British Columbia.

B.C. House, London

British Columbia's representation in London has had a remarkably long history. The British Columbia Gazette for April 12, 1873 somewhat quaintly reported: "it is hereby notified, for general information, that Gilbert Martin Sproat, Esq., of 4 Lime Street Square, London, was, toward the end of the year 1872, appointed Agent-General in England for the Province of British Columbia".

Since then, British Columbia has had 20 Agents-General in London. Alexander H. Hart, Q.C., the present holder of the office, took up the post on January 1, 1981.

The Agent-General creates an important presence for British Columbia in the United Kingdom and Europe. In 1982-83 Mr. Hart's duties took him to Lisbon, Athens, the Hague, Paris, Marseilles, Dusseldorf, Bonn, Frankfurt, Madrid, Dublin, Glasgow, Edinburgh, Aberdeen, Jersey, King's Lynn, the Isle of Man, and Leeds. Through his efforts Britons and Europeans are receiving important information about Expo '86, the international exposition to be held in Vancouver in 1986.

In January 1983 Mr. Hart received the prestigious appointment of President of the Canada-United Kingdom Chamber of Commerce, the appointment continuing to June 30, 1984. He also was named an Honorary Patron of the Canadian Society of Oxford early in 1983.

B.C. House provides important services for visitors from British Columbia, including travel and accommodation assistance, a mail pick-up service, a reading room offering British Columbia newspapers, and information about legal matters, drivers' licences, vital statistics documents, and a wide range of other matters. It publishes the monthly British Columbia News Letter for distribution throughout the United Kingdom and Europe, and also operates a film and slide library.

British Columbia is participating in a film centre at the London Zoo, established jointly by the Zoological Society of London and the Canadian community in London. The centre shows films on Canadian wildlife supplied by the Canadian provinces.

B.C. House welcomed several government and business delegations from the province in 1982-83. A highlight for British Columbia visitors in the summer of 1982 was the unveiling by H.R.H. The Princess Anne of the coats of arms of the Western Canadian provinces, on view at Canada Gate.

B.C. House effected economies in keeping with the provincial restraint program in 1982-83. The leasehold of the site it occupies on Regent Street is held by the Province of British Columbia, and B.C. House recoups about three-quarters of its costs of operation through rental income from tenants totalling about \$500,000 annually.

B.C. House is operated by the Ministry of Intergovernmental Relations, but also affords space to the Ministry of Tourism and the Ministry of Industry and Small Business Development.

